

# 1: INTRODUCTION

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The illicit trafficking, proliferation and misuse of small arms and light weapons (SALW) such as pistols and Kalashnikov combat rifles is associated with enormous numbers of deaths and injuries across the world each year. There are some 600 million of these portable but lethal weapons in existence globally. They are legally traded for use by government armed forces, police and civilians under licence. But they also come into the hands of warlords, terrorists and criminals, either through diversion to the illicit trade or through inadequately controlled legal supplies. They contribute to armed violence, conflict, insecurity, high levels of gun crime and great human suffering. They escalate and exacerbate conflicts, obstruct the achievement of peace and good governance, and undermine efforts to promote development and security.

SALW problems are complex and cut across many spheres of international and public policy-making, including peace and security, arms control and disarmament, crime prevention and control, humanitarian assistance, human rights protection, post-conflict reconstruction and peacebuilding and development. For many years, these problems were somewhat neglected by the international community and little progress was made towards developing regional or national measures to ensure controls.

The end of the Cold War opened possibilities for international action. In the 1990s, international awareness of the seriousness of SALW proliferation grew rapidly. Local, national and regional initiatives to tackle aspects of the problem were launched. A number of important international programmes began to examine the problems and challenges and to develop proposals for international action.

In 2001 an international agreement to prevent, combat and reduce illicit trafficking, proliferation and misuse of small arms and light weapons was finalised at the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.<sup>1</sup> The result of years of pressure and negotiation, it was designed to provide a comprehensive set of politically binding commitments to address the issue in its complexity.

This agreement – the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects<sup>2</sup> (hereafter referred to as the PoA) – contains a wide range of important international commitments for states, as well as for the UN and other relevant international and regional organisations. It is complemented and reinforced by the UN Firearms Protocol,<sup>3</sup> also agreed in 2001, and a range of regional agreements and international programmes.

In 2003, the Biting the Bullet (BtB) initiative (International Alert, Saferworld and the University of Bradford) and the International Action Network on Small Arms (IANSA) published the first comprehensive and detailed examination of progress towards implementing the PoA.<sup>4</sup> The ‘Red Book’, as it became known, was launched at the UN in Geneva and New York and was a major source of information and analysis for the first Biennial Meeting of States on the PoA at the UN in 2003. In brief, it found that the implementation process had got off to a promising start in many respects, although it was still far from making any real impression upon the problems associated with SALW proliferation.

In 2005, the BtB project published a major follow-up study, again in co-operation with IANSA and timed to contribute to the 2005 Biennial Meeting of States.<sup>5</sup> This provided an even more detailed and comprehensive

<sup>1</sup> Held July 7 – 20, 2001

<sup>2</sup> See the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UN Document A/CONF.192/15) at <http://disarmament.un.org:8080/cab/poa.html>

<sup>3</sup> Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts, Components and Ammunition supplementing the UN Convention against Transnational Organised Crime, Resolution Adopted by the UN General Assembly 55/255, 8 June 2001, see <http://www.iansa.org/un/un-firearms-protocol.pdf>

<sup>4</sup> Biting the Bullet project and IANSA, *Implementing the Programme of Action 2003: Action by States and Civil Society*, London, Biting the Bullet/IANSA, June 2003

<sup>5</sup> Biting the Bullet project, *International Action on Small Arms 2005: Examining Implementation of the UN Programme of Action*, London, Biting the Bullet/IANSA, June 2005

examination of progress in implementation. By that stage, states had had some four years in which to implement PoA commitments. This report identified and examined many useful initiatives and activities, and noted significant progress in some issue areas and sub-regions. However, in many other countries and regions, early and promising indications of imminent action in 2003 proved to be misleading and had not been followed up. Many states had not even put into place the basic mechanisms and procedures for PoA participation. Overall, the scale of interventions had generally not been sufficient to make more than a local or marginal impact on the problems that the PoA was designed to address.

This 2006 report is thus the third in the BtB 'Red Book' series. It is published with the intention of contributing to the first UN Review Conference for the PoA, due to take place in July 2006. This 2006 UN Review Conference (hereafter referred to as the Review Conference) is a major international event, providing the first formal international opportunity to review and strengthen the PoA since it was agreed in 2001. It is important that this Review Conference, and all concerned people and organisations around the world, not only have reliable and up to date information and analyses of progress towards implementing the PoA, but also an examination of the implications of these findings for the Review Conference and its Outcome Document.

## 1.1 AIMS OF THIS REPORT

This report aims to provide a comprehensive and up to date review and analysis of progress towards implementation of the PoA, and of the consequent issues and priorities for the 2006 Review Conference. Building on the findings of the 2003 and 2005 BtB Red Books, it outlines and assesses progress towards implementation of the PoA, drawing on data gathered for over 180 countries and analysing relevant local national, regional and international processes.

More specifically, this 2006 Red Book aims to provide a resource for states, regional and international organisations, civil society groups, experts and citizens by:

- Providing a broad, detailed and reliable empirical overview of progress towards implementing the PoA and associated national, regional and international commitments across all regions of the world since 2001
- Illustrating experiences and identifying and analysing lessons learned in each of the regions.
- Identifying and enhancing international understandings of emerging strengths and weaknesses in implementing the PoA across each of its key thematic areas
- Examining the adequacy of existing PoA commitments, and opportunities for urgent or useful further development, revision and reinforcement of such commitments, including the launch of additional international initiatives, programmes or guidelines
- Examining the extent to which problems with the implementation of the PoA are linked to inadequacies of the PoA and associated international agreements, and the implications of this for the agenda and objectives for the 2006 Review Conference
- Examining progress in developing and using partnerships to promote implementation, including partnerships between government and civil society, those between aid donors and recipients, and those developed through regional organisations and agreements
- Providing a resource to support efforts to promote the awareness, implementation and development of the PoA

This 2006 Red Book thus has more critical and ambitious goals than the 2003 and 2005 reports, which is appropriate in view of the importance of the Review Conference. It has been substantially re-organised and developed to enable focused thematic discussion of progress towards implementation of the PoA in a way that aims to be of the most use for informing debates at the Review Conference.

Including more information and analysis in thematic chapters implies a smaller chapter reviewing national and regional implementation. As this report is published only one year after the 2005 Red Book, much of the information in the latter's major chapter on national and regional implementation remains valid and relevant. While the thematic discussion and analysis draws fully on *all* available information on implementation since 2001, this year's review of national and regional progress confines itself to new information or recent progress. Readers are referred to the 2005 Report for more details. However, the global tables, in which the information is now organised by region rather than alphabetically, remain comprehensive and have been fully updated.

## 1.2 REPORT FRAMEWORK

The structure of this report is straightforward although, as noted, it differs from that of the 2003 and 2005 Red Books. After this Introduction, Chapter 2 briefly outlines the PoA and the various regional and other multilateral initiatives relating to the illicit trade in small arms and light weapons in all its aspects, highlighting areas of complementarity and divergence.

Chapter 3 examines the policies, programmes and measures to implement PoA commitments that states, regional and sub-regional organisations and others have developed and implemented since 2001. It includes an overview of existing policies and practices relating to the key PoA commitments, covering over 180 states. This is summarised in substantial tables and is accompanied by explanatory text and observations. Building on the detailed national and regional accounts in the 2003 and 2005 report the chapter focuses particularly on highlighting and reviewing specific progress at the regional and sub-regional level and recent developments relating to regional and sub-regional agreements. In each region key aspects of national implementation are drawn out, challenges to further progress are identified and priorities for action at the Review Conference and afterwards are drawn out.

Each of the following chapters focuses on identifying, illustrating and examining progress towards implementation of particular thematic aspects of the PoA, and assessing the implications for priorities and issues at the 2006 Review Conference.

Chapter 4 examines progress towards establishing the capacity to implement the PoA. It therefore focuses on progress in taking those key basic institutional and organisational steps without which progress is unlikely and political commitment questionable.

- First, it examines three aspects of national capacity to implement the PoA: national contact points, national co-ordination mechanisms, and national SALW strategies or action plans. In each case, it questions what has and has not worked.
- Second, it examines regional capacities, questions the relationship between progress on regional agreements and national capacity, and looks at the extent to which the development of regional processes and capacities has proved important for national implementation.
- Third, it focuses on the development of key partnerships, including: government – civil society, including operational agencies – civil society co-operation; and the co-ordination between government and donor agencies including government – government co-operation.
- Finally, it addresses the implications for the Review Conference.

Chapter 5 focuses on progress towards controlling SALW transfers. In this context, strong controls on legal transfers and measures to prevent and combat illicit trafficking are treated as dimensions of the same challenge. After an initial review and analysis of regional and national progress, this Chapter systematically addresses the key areas within this overall thematic issue. In relation to national controls on SALW transfers, the chapter examines implementation progress on:

- Assessment of transfer applications
- Transfer control guidelines
- Transit controls
- Import controls
- End use/user control systems
- Controls on arms brokering activities
- Marking, record-keeping and tracing
- Enforcing embargoes
- Border controls
- Legal penalties for non-compliance
- Transfers to non-state actors
- Controls on transfers of MANPADS

In each sub-section, there is an analysis of progress on implementation and of the reasons for success, failure and discussion of the extent to which inadequacies in the PoA may contribute to inadequate progress. The Chapter concludes with a discussion of transfer control and the implications for the Review Conference.

Similarly, Chapter 6 focuses on progress towards ensuring responsibility and control for all authorised SALW. After an introductory review, the following issue areas are examined:

- Controls on manufacture
- SALW stockpile management and security
- SALW ammunition safety and security
- Civilian possession, sale and ownership

The Chapter closes with an analysis of the reasons for success or inadequate implementation and the implications of the Review Conference. As in some other chapters, not all of the thematic issues discussed in this Chapter relate directly to PoA commitments, although they all address key issues for ensuring effective responsibility and control.

Chapter 7 addresses progress towards SALW disarmament, collection and destruction. After an introductory review, it addresses each of the issues below:

- Disarmament and weapons collection
- SALW destruction
- Emerging best practices for SALW collection and destruction

It closes with the examination of implications for the Review Conference.

Chapter 8 is concerned with the implications of illicit proliferation and misuse. After an initial review, it addresses:

- Implications for humanitarian and human rights concerns
- Impacts on development and links with development aid
- Implications for governance and security

These are issues that are not addressed in detail in the PoA, although their importance is emphasised and acknowledged. Many states have expressed a hope that the Review Conference Outcome Document will address and elaborate these.

Chapter 9 discusses progress towards international co-operation and assistance on SALW and therefore relates to the commitments contained in Part III of the PoA. After an introduction it addresses:

- Donors and international assistance programmes on SALW
- Integrating SALW into wider assistance programmes (security sector reform, development, humanitarian aid, etc.)
- International and regional information exchange, consultation and transparency measures
- The role of international and regional organisations
- International co-operation and the role of civil society

Like the other chapters, it then examines factors contributing to success or limitations and the implications for the 2006 Review Conference.

The report ends with conclusions and recommendations (in Chapter 10), bringing together its findings and assessments. It focuses particularly on the possible implications for the Review Conference.

It is not the purpose of this Red Book to provide detailed proposals for the Outcome Document from the 2006 Review Conference. The BtB project has prepared and published such recommendations elsewhere, and will contribute to specific proposals on text during the preparations for the Conference.<sup>6</sup> Rather, the purpose of this report is to clarify and analyse the implications of progress so far on the implementation of the PoA for the priorities and agendas of the Review Conference. The evidence points to a need for a substantial and forward-looking Outcome Document to elaborate, develop and strengthen implementation of the PoA. It needs not only to elaborate and establish substantive commitments but also to promote effective and active follow-up after 2006 at the international as well as the regional and national levels.

### 1.3 METHODOLOGY AND PARTNERSHIPS

The extensive research undertaken during the production of this report has included data collected from a wide range of primary and secondary sources, enabling the report to cover over 180 countries. The research was primarily conducted by the Biting the Bullet project team (International Alert, Saferworld and the University of Bradford) in co-operation with over 100 members of the International Action Network on Small Arms (IANSA) and other experts from around the world. While IANSA and its members supported the production of this 2006 Red Book, the BtB Project team has final editorial responsibility for the analysis and information contained in this report (as well as for any errors).

Project partner organisations or independent analysts were commissioned to research and provide the information used to prepare some national or regional analyses. This was supplemented by further research, secondary data and the expertise of the Biting the Bullet project partners, IANSA members and others.

The research contained in this report is wide-ranging and extensive. Considerable efforts were taken to verify facts and assessments. Efforts were made to contact as many governments as possible to invite them to provide relevant information further to that provided in their periodic reports on PoA implementation to the UN.

<sup>6</sup> Greene, O., *Promoting Effective Global Action on Small Arms: Priorities for the 2006 UN Review Conference*, Biting the Bullet Report, London/Bradford, Biting the Bullet Project, January 2006 (also Greene, O., *Promoting Effective Global Action on Small Arms: Emerging Agendas for the 2006 Review Conference*, BtB Discussion Paper, London/Bradford, Biting the Bullet, July 2005. See also Small Arms Consultative Group Process, *Developing International Norms to Restrict SALW Transfers to Non-State Actors*, London/Bradford, Biting the Bullet, January 2006 and Small Arms Consultative Group Process, *Developing International Guidelines for National Controls on SALW Transfers*, London/Bradford, Biting the Bullet, March 2006.

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However, the report (combined with the information published in the 2005 and 2003 Red Books) does not claim to provide a complete picture of implementation. There are several factors which prevent this (apart from limited project resources), which include:

- A lack of transparency in many countries, which makes it difficult to conduct research on certain aspects of implementation. In some cases verification of information is extremely problematic.
- The wide scope of the PoA, which provides significant opportunities for different interpretations of what constitutes implementation-focused action.
- Implementation of the PoA is ongoing – this report was completed in May 2006 and doubtless by the time it is published in July 2006, several countries will have produced 'last-minute' updates in time for the 2006 Review Conference.

However, despite these qualifications, Biting the Bullet believe that the report is a valuable contribution to the process of implementation of the PoA and to the 2006 Review Conference, as well as a significant resource for governments, international organisations and civil society.